

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated September 17, 2008 has been received and its contents carefully reviewed.

Claims 1-7, 12-14, 19, and 20 are hereby amended. Claims 9, 11, 16, 18, and 22 are cancelled without prejudice to or disclaimer of the subject matter contained therein. No claims are added. Accordingly, claims 1-8, 10, 12-15, 17, and 19-21 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 9, 11, 16, 18, and 22 are objected to under 37 CFR 1.75(c) as being in improper form because a dependent claim cannot depend on a multiple dependent claim. *Office Action* at p. 2, ¶ 1. Applicants note that the Office included claim 17 in the objection, however, Applicants believe that the Office meant to include claim 18. Although Applicants do not agree with the objection, Applicants have nevertheless, for the sake of expediency, cancelled claims 9, 11, 16, 18, and 22 herein. Accordingly, Applicants respectfully request that the Office withdraw the objection.

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0158956 to Tanaka et al. (hereinafter “Tanaka”). *Office Action* at page 2, ¶ 3. Applicants respectfully traverse this rejection and request reconsideration.

Independent claim 1 is allowable over the cited reference in that claim 1 recites a combination of elements including, for example, “wherein the appliance and the network manager each respectively comprise an interface apparatus; and the interface apparatus comprises: a first interface module including a first universal asynchronous receiver and transmitter; and a second interface module including a second universal asynchronous receiver and transmitter connected to the first universal asynchronous receiver.” As admitted by the Office, “*Tanaka* does not expressly disclose ... the home appliance and the network manager each respectively comprise a first interface module based on a predetermined control protocol.” *Office Action* at p. 3, ¶ 5. Thus, *Tanaka* does not teach all of the features of independent claim 1

For at least these reasons, Applicants respectfully request that the Office withdraw the 35 U.S.C. §102(b) rejection of independent claim 1.

Claims 2-4, 6, 8, 9, 12, 13, 15, 16, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanaka* in view of U.S. Patent No. 5,859,547 to Dew et al. (hereinafter “*Dew*”). *Office Action* at p. 3, ¶ 5. Claims 9 and 16 are cancelled herein, accordingly the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims and request reconsideration.

Independent claims 1, 12, and 19 are allowable over the cited references in that claim 12 recites a combination of elements including, for example, “wherein the appliance and the network manager each respectively comprise an interface apparatus; and the interface apparatus comprises: a first interface module including a first universal asynchronous receiver and transmitter; and a second interface module including a second universal asynchronous receiver and transmitter connected to the first universal asynchronous receiver.” Thus, *Tanaka* does not teach all of the features of independent claims 1, 12, and 19.

Dew fails to cure the deficiencies of *Tanaka* with respect to independent claims 1, 12, and 19. The Office asserts that “*Dew* discloses Fig. 4 element 93 UART a second interface module connected to a first interface module.” *Office Action* at p. 4. Applicants respectfully disagree. *Dew* discloses “two communication ports 88, 90, each consisting of an UART 91, 93” where “[p]ort 88 is used to connect a printer or other data collection device” and “[p]ort 90 is used to connect to the network 50.” *Dew* at col. 6:13-17 and FIG. 4. As shown, UART 91 and UART 93 are connected between the CPU and a printer and network, respectively. Thus, *Dew* does not teach or suggest “the first interface includes a first universal asynchronous receiver and transmitter; and a second interface module based on the control protocol connected to the first interface module, ... wherein the second interface module includes a second universal asynchronous receiver and transmitter connected to the first universal asynchronous receiver and transmitter,” as recited in independent claims 1, 12, and 19.

Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claims 1, 12, and 19, they also fail to teach or suggest each and every element of claims 2-4, 6, and 8, which depend from claim 1 and claims

13 and 15, which depend from claim 12. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. §103(a) rejection of claims 2-4, 6, 8, 9, 12, 13, 15, 16 and 19.

Claims 5, 7, 14, 17, 18, and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanaka* in view of *Dew* in further view of U.S. Patent No. 6,731,201 to Bailey et al. (hereinafter “*Bailey*”). *Office Action* at p. 7, ¶ 6. Claims 18 and 22 are cancelled herein, accordingly, the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims and requests reconsideration.

Bailey fails to cure the deficiencies of *Tanaka* and *Dew* with respect to independent claims 1, 12, and 19. Indeed, the Office only relied upon *Bailey* to disclose “a communication model which communicates in the network by using the communication layers of the OSI model.” *Office Action* at pp. 8. Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claims 1, 12 and 19, they also fail to teach or suggest each and every element of claims 5 and 7, which depend from claim 1; claims 14, 17 and 18, which depend from claim 12 and claims 20-21, which depend from claim 19. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. §103(a) rejection of claims 2-4, 6, 8, 9, 12, 13, 15, 16 and 19.

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanaka* in view of *Bailey*. *Office Action* at p. 9, ¶ 7. Claim 11 is cancelled herein; accordingly, the rejection of that claim is moot. Applicants respectfully traverse the rejection of claim 10 and requests reconsideration.

Bailey fails to cure the deficiencies of *Tanaka* with respect to independent claim 1. Indeed, the Office only relied upon *Bailey* to disclose an “appliance capable of communicating through a Radio Frequency transceiver.” *Office Action* at p. 9. Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claim 1, they also fail to teach or suggest each and every element of claim 10, which depend from claim 1. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. §103(a) rejection of claims 10 and 11.

CONCLUSION


The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: January 21, 2009

Respectfully submitted,

By: 
Michael I. Angert
Registration No.: 46,522
McKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant